

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GEORGE O. MITCHELL,

Plaintiff,

v.

HENRY RICHARDS,

Defendant.

Case No. C05-5114FDB

ORDER RE CLARIFICATION OF
DKT # 9 AND APPEAL OF DKT # 10

By Order filed February 16, 2005 (Dkt. # 4) Magistrate Judge Strombom required Plaintiff to cure certain deficiencies in his motion to proceed *in forma pauperis*, explained what Plaintiff needed to do to correct them, and gave Plaintiff a date by which to do so. Plaintiff appealed this order (Dkt. # 7) and the Court denied the appeal (Dkt. # 9). Plaintiff now moves for “clarification of Dkt #9 order.” (Dkt. # 11)


The Magistrate Judge entered a Second Order To Show Cause (Dkt. # 10) again delineating the deficiencies that Plaintiff must cure regarding in *IFP* application. Plaintiff has also filed an “Appeal to Judge of Order Dkt # 10 REQUEST FOR SELF RECUSAL” (Dkt. 12). Chief Judge Lasnik denied the recusal request citing the reasonableness of the Magistrate Judge seeking additional information on the *IFP* request.

1 The remainder of Plaintiff's appeal is before the undersigned for consideration. Plaintiff's
2 appeal in view of the previous appeal of this claim is frivolous and is denied.

3 ACCORDINGLY, IT IS ORDERED:

- 4 1. Plaintiff's appeal of the Magistrate Judge's Order at Dkt. # 10 [Dkt. # 12] is
5 DENIED.
- 6 2. Plaintiff is ORDERED to respond to the Second Order to Show Cause [Dkt. # 10] by
7 June 30, 2005. Failure to so respond shall be deemed a failure to properly prosecute
8 this matter rendering dismissal appropriate.

9 DATED this 17th day of June, 2005.

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12 FRANKLIN D. BURGESS
13 UNITED STATES DISTRICT JUDGE
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